

REMARKS

Claims 2-6 and 10-14 are pending. The above amendments are presented in the format as described in the proposed amendment to 37 CFR § 1.121. Thus, no clean copy of the claims is being provided.

I. 35 USC § 112

A. Second Paragraph

Claims 2-6 and 10-14 stand rejected under 35 USC § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim that which is considered the invention. In response, claims 5 and 14 have been amended to rectify any lack of antecedent basis or any unclear recitations.

Additionally, the Office Action asserts the scope of the claims is unclear, as the preamble of the claims recites “a parquet board”, while the body of the claims “positively claim multiple boards.” However, Applicants note that each of the present claims is directed to the features of a single board, not multiple boards. Applicants direct the Examiner’s attention to the final element of claim 13. Therein, “an adjacent parquet board” is discussed, but is not required by the scope of this claim. Thus, claim 13 has been amended to emphasize this feature.

Because these amendments merely clarify that which was intended by the previously filed claim, the scope of this claim remains unchanged.

B. First Paragraph

Claims 2-6 and 10-14 stand rejected under 35 USC § 112, first paragraph, as allegedly containing subject matter not sufficiently described in the specification. In particular, the Office Action asserts that a feature of claim 13 (“whereby when the locking lip entered the groove . . . to facilitate the passage of the locking lip into the groove.”) is not discussed in the specification. In response, the present specification has been amended to recite this subject matter.

Applicants respectfully present that no new matter is being entered, as the subject matter that is being added is shown in Figure 2. See. MPEP § 2163.06. Reconsideration is requested.

II. 35 USC § 102

Claims 2, 3, 5, 6, 10, 11 and 13 stand rejected under 35 USC § 102(b) as allegedly being anticipated by Moriau et al. (U.S. Patent No. 6,006,486). The Office Action asserts that Moriau et al. teaches each feature of the rejected claims. Applicants respectfully disagree.

In attempting to identify each feature of the rejected claims, the Office Action has literally “flipped” the floor panel 1 of the reference. In so doing, the Office Action equates the top of the panels of the present invention to the underside of the reference, indicated at 7. As the present claims recite specific orientations, in order for a reference to anticipate such claims, the reference must disclose each feature of the claim, including the positively recited orientations.

Thus, Applicants respectfully present that Moriau et al. fails to teach each feature of the present claims.

Additionally, Applicants respectfully submit that it would not have been obvious to invert the floor panels 1 of Moriau et al., such that underside 7 became the upper surface. Applicants direct the Examiner’s attention to Col. 8 , line 65 through Col. 9, line 15. Therein, the upper and lower surfaces of the panels are discussed. As is generally known in the flooring art (and recited by the present claims) modern floor coverings, such as laminated floors, and parquet often include a decorative upper surface and a lower structure, often known as the core. See Fig. 8 of Moriau et al., wherein the upper decorative surface is formed with a decorative layer 55 (paper impregnated with resin, which can be printed with a decorative pattern) and a protective top layer 56, and optionally an intermediate layer 57. Thus, the upper surface is particularly designed, and to invert the floor panel would defeat the purpose of such layers. Moreover, if the floor panel of the reference were inverted, a gap would be produced on the visible or exposed surface between the panels. See Fig. 7. Such a gap, or space between the lower lip 43 of one panel and the core 8 of a second panel would provide a location between the panels, allowing unsightly dirt and other particular matter to enter, as well as allow for water and other liquids to permeate the core to warp or otherwise damage the panel. This relationship is eliminated by the recitation of claim 13.

Furthermore, as amended, claim 13 recites a “decorative upper surface atop a core”. While the panel of the reference also includes a core, by inverting the panel of the reference (as is suggested by the Office Action), the “upper surface” would actually become the lower surface with a gap at the joint of the panels.

Finally, this reference additionally fails to provide any motivation to direct one of ordinary skill to utilize the floor panels completely flipped over.

Reconsideration is requested.

III. 35 USC § 103

A. Claims 12 and 13

Claims 12 and 13 stand rejected under 35 USC § 103(a) as allegedly being unpatentable over Moriau et al. in view of Roy et al. The Office Action asserts that Moriau et al. teaches each feature of these claims, “except for the end of the tongue on a bottom side have a tapered surface”, for which purpose Roy et al. is cited.

However, Applicants respectfully submit that first section 12 of tongue 4 of Roy et al. is not a tapered surface as presently claimed. Specifically, section 12 is described as a circular or “substantially circular” (claim 1 and Col. 4, line 67), and section 16 is described as rolling across section 12. Thus, Roy et al. neither teaches nor suggests “a linear tapered surface” at the transition between the narrower and thicker sections, as recited by the present claims.

In any event, as Roy et al. fails to suggest to invert the floor panel of Moriau et al., the secondary reference fails to cure the deficiencies of Moriau et al. alone (as discussed in Section I above), Applicants respectfully present that claims 12 and 13 are not obvious in view of the teachings of Moriau et al. and Roy et al.

B. Claims 4, 13 and 14

Claims 4, 13 and 14 stand rejected under 35 USC § 103(a) as allegedly being unpatentable over Tsai et al. (U.S. Patent No. 5,274,979) in view of Moriau et al. The Office Action asserts that Tsai et al. teaches each feature of the rejected claims except for “a gradation

being provided on the bottom groove cheek, which widens only a portion of the groove and a tapered surface being provided between the widened portion of the groove and the remainder of the groove", for which purpose Moriau et al. is cited.


Even if the structure of Moriau et al. includes a gradation (apparently identified at G in Appendix B of the Office Action) in the bottom groove cheek, the structure of Tsai et al. is lacking other presently recited elements. For example, the present claims describe a linear tapered surface connecting the narrower (distal) portion to the wider (root or proximal) portion of the tongue. In contrast, the distal portion of the first wing 14 of Tsai et al. is provided with a vertical section connecting the narrower distal end to the wider proximal end, not a linear tapered surface. The lip 19 to which the Examiner refers in the Office Action is a protrusion, and not the transition to the thicker portion of the tongue. In fact, its function and position are completely unrelated to the transition, being as the Examiner recognizes, a "projection lip or ridge (see column 2, line 54). Thus, the asserted combination is lacking elements recited by claims 4, 13 and 14.

IV. Conclusion

In view of the foregoing, withdrawal of all rejections and passage of the application to issue are respectfully requested.

TPP/EPR
Attorney Docket No.: TPP 31370

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Date: March 11, 2003